



US Army Corps
of Engineers
Seattle District



Joint Public Notice

Application for a Department of the Army Permit and a Washington Department of Ecology Water Quality Certification and/or Coastal Zone Management Consistency Concurrence

US Army Corps of Engineers
Regulatory Branch
Post Office Box 3755
Seattle, WA 98124-3755
Telephone (206) 766-6439
Attn: Ron Wilcox, Project Manager

WA Department of Ecology
SEA Program
Post Office Box 47600
Olympia, WA 98504-7600
Telephone (360) 407-6068
Attn: SEA Program, Federal Permit
Coordinator

Public Notice Date: April 14, 2009
Expiration Date: May 5, 2009

Reference No.: NWS-2009-223-SO
Name: U. S. Coast Guard

Interested parties are hereby notified that the U.S. Army Corps of Engineers (Corps) and the Washington Department of Ecology (Ecology) have received an application to perform work in waters of the United States as described below and shown on the enclosed drawings.

The Corps will review the work in accordance with Section 404 of the Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act. Ecology will review the work pursuant to Section 401 of the CWA, with applicable provisions of State water pollution control laws and the Coastal Zone Management Act.

APPLICANT: U.S. Coast Guard
Civil Engineering Unit
Oakland, California 94606

ATTN: Mr. David Stalters
Telephone: (510) 535-7273

AGENT: U.S. Army Corps of Engineers
Seattle District
Environmental Resources Section

ATTN: Ms. Nancy Gleason
Telephone: (206) 764-6577

LOCATION: At the U.S. Coast Guard Cutter Osprey moorage slip in the commercial basin of Boat Haven Marina in Port Townsend Bay, at the City of Port Townsend, Jefferson County, Washington.

WORK: The proposed maintenance dredging project would remove up to 275 cubic yards of accumulated sand and gravel via mechanical (clam shell) dredge. The Coast Guard moorage site would be dredged to a depth of -12 feet mean lower low water (MLLW), plus two feet overdredge for a total depth of -14 feet. Up to 1350 square feet of the Coast Guard moorage slip area would be dredged.

The dredged material would be loaded on to a barge and transported to the Dredged Material Management Program (DMMP) approved Port Townsend dispersive disposal site. The work would be completed in approximately two weeks and only occur during the approved in-water work window of July 15 through October 14.

PURPOSE: The purpose of the maintenance dredging project is to provide the USCGC Osprey safe and efficient moorage at all tidal elevations.

PUGET SOUND DREDGED DISPOSAL ANALYSIS (PSDDA):

Dredged Material Testing: The proposed dredged material has been tested according to the procedures specified in PSDDA, a multi-agency program for the evaluation of dredged material proposed for disposal at open-water sites in Puget Sound. The PSDDA evaluations may include both chemical and biological testing of sediments. For this project, the PSDDA agencies determined that all 275 cubic yards were suitable for unconfined disposal at the PSDDA nondispersive (or dispersive) open-water disposal site in Port Townsend Bay. The sediment testing data are available at the U.S. Army Corps of Engineers (Corps), Seattle District, Dredged Material Management Office.

Disposal Site Use Conditions: The following standard site use conditions will be specified by the Corps and the Washington Department of Natural Resources as part of the Federal/State permitting processes: (1) during the periods of tribal fishing in the disposal site area, disposal will only occur during daylight hours; and (2) during the daylight hours, "navigation rules of the road" will apply to the dredger in the event Tribal fishing is occurring at the disposal site. The dredger's permit will state that disposal is to occur when there is no Tribal fishing occurring at the disposal site. Other appropriate special conditions may be added as a result of comments received during the public review period for this public notice.

ADDITIONAL INFORMATION – The U.S. Army Corps of Engineers Navigation Section plans to conduct routine maintenance dredging and disposal activities associated with maintenance of the Port Townsend Federal navigation channel during the allowed in-water work window of July 16 through October 14, in the year 2009. The U.S. Coast Guard has contracted with the Corps Navigation Section to conduct the maintenance dredging of the U.S. Coast Guard moorage slip during the approved in-water work window. The maintenance dredging of the moorage slip would occur concurrently with the Corps' dredging of the Federal navigation channel.

The Corps Navigation Section Public Notice, reference number CENWS-OD-TS-NS-29, circulated on February 19, 2009, identified the quantity of material to be dredged for the U.S. Coast Guard moorage as approximately 200 cubic yards and the Federal navigation channel as approximately 800 cubic yards (total of 1000 cubic yards). Recent navigation channel and moorage site surveys indicate that due to the deposition of additional sediment from storm events, the quantity of material to be dredged to achieve the required navigation depth as indicated above must be increased. The additional quantity of dredged material for the moorage slip has increased from 165 to 275 cubic yards; and the Federal navigation channel has increased from 424 to 1750 cubic yards. The total increase of material to be dredged is 1,436 cubic yards.

This Public Notice serves as notification that the proposed dredged quantities as indicated in the Corps Navigation Section Public Notice, reference number CENWS-OD-TS-NS-29, have changed and been increased as noted above.

MITIGATION: To reduce environmental impacts, avoidance and minimization measures have been incorporated into the dredging maintenance plan and include the following:

1. To avoid impacts to juvenile salmon and forage fish, dredging will be performed during the approved in-water work window of July 16 to October 14, 2009.
2. To reduce entrainment of fish, the area will be dredged using a mechanical (clam shell) dredge.
3. Water quality monitoring occurs during dredging to assure compliance with water quality certification requirements.

4. Disposal monitoring will be conducted for quality assurance/compliance of activities.

ENDANGERED SPECIES: The Endangered Species Act (ESA) requires federal agencies to consult with the National Marine Fisheries Service (NMFS) and/or U.S. Fish and Wildlife Service (USFWS) pursuant to Section 7 of ESA on all actions that may affect a species listed (or proposed for listing) under the ESA as threatened or endangered or any designated critical habitat.

The U.S. Coast Guard, as the lead agency for ESA consultation, has completed consultations with the NMFS and the USFWS (Services) as required under Section 7 of the ESA. The Services have determined that the project would "Not Likely Adversely Affect" proposed and/or listed species and their designated critical habitat. NMFS issued concurrence on August 5, 2008; USFWS issued concurrence on August 7, 2008.

ESSENTIAL FISH HABITAT: The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). The proposed action would impact EFH in the project area.

The U.S. Coast Guard, as the lead agency for a determination regarding EFH, consulted with the National Marine Fisheries Services. NMFS has determined that the project would have No Adverse Affect EFH species.

CULTURAL RESOURCES: The U.S. Coast, as the lead agency for determining compliance with Section 106 of the National Historic Preservation Act, will consult with the State Historic Preservation Office as appropriate. This public notice initiates consultation under Section 106 of the National Historic Preservation Act with any Tribe that has information or concerns with historic properties in the proposed permit area.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

EVALUATION – CORPS - The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

The Corps is soliciting comments from the public; Native American Nations or tribal governments; Federal, State, and local agencies and officials; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for the work. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

The described discharge will be evaluated for compliance with guidelines promulgated by the Environmental Protection Agency under authority of Section 404(b)(1) of the CWA. These guidelines require an alternatives analysis for any proposed discharge of dredged or fill material into waters of the United States.

EVALUATION—ECOLOGY: Ecology is soliciting comments from the public; Federal, Native American Nations or tribal governments, State, and local agencies and officials; and other interested parties in order to consider and evaluate the impacts of this activity. Ecology will be considering all comments to determine whether to certify or deny certification for the proposed project.

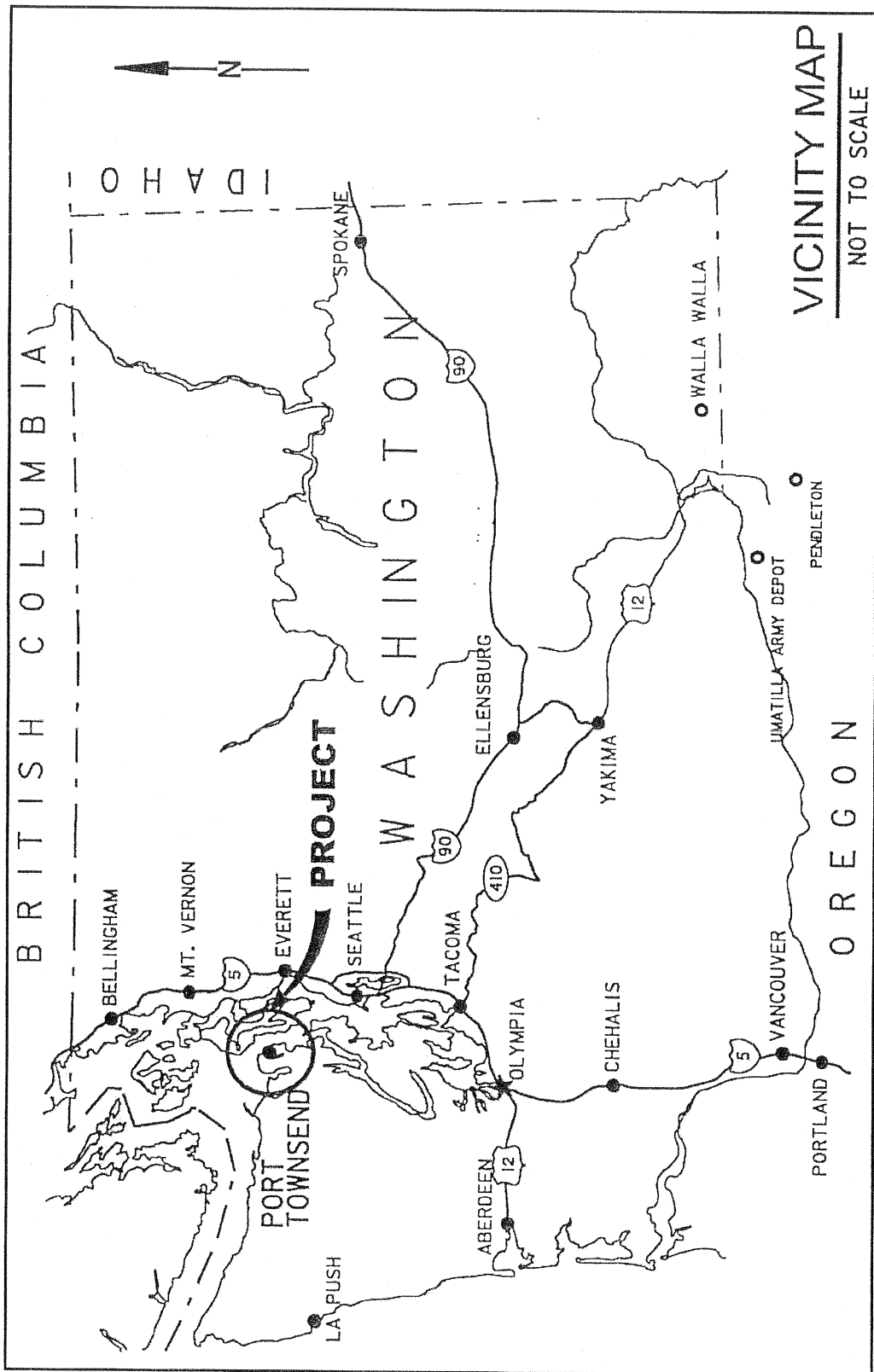
COMMENT AND REVIEW PERIOD: Conventional mail or e-mail comments on this public notice will be accepted and made part of the record and will be considered in determining whether it would be in the public interest to authorize this proposal. In order to be accepted, e-mail comments must originate from the author's e-mail account and must include on the subject line of the e-mail message the permit applicant's name and reference number as shown below. Either conventional mail or e-mail comments must include the permit applicant's name and reference number, as shown below, and the commentor's name, address, and phone number. All comments whether conventional mail or e-mail must reach this office, no later than the expiration date of this public notice to ensure consideration.

Corps comments: All e-mail comments should be sent to Ronald.J.Wilcox@usace.army.mil. Conventional mail comments should be sent to U.S. Army Corps of Engineers, Regulatory Branch, Attn: Mr. Ron Wilcox, Post Office Box 3755, Seattle, Washington, 98124-3755.

Ecology Comments: Any person desiring to present views on the project pertaining to a request for water quality certification under Section 401 of the CWA and/or Coastal Zone Management consistency concurrence, may do so by submitting written comments to the following address: Department of Ecology, Attn: SEA program – Federal Permit Coordinator, P.O. Box 47600, Olympia, Washington, 98504-7600, or e-mail to ecyrefedpermits@ecy.wa.gov

To ensure proper consideration of all comments, responders must include the following name and reference number in the text of their comments: U.S. Coast Guard; NWS-2009-223-SO

Encl: Figures (1-4)



Vicinity Map of project at Port of Port Townsend

Applicant: U.S. Coast Guard, Civil Engineering Unit

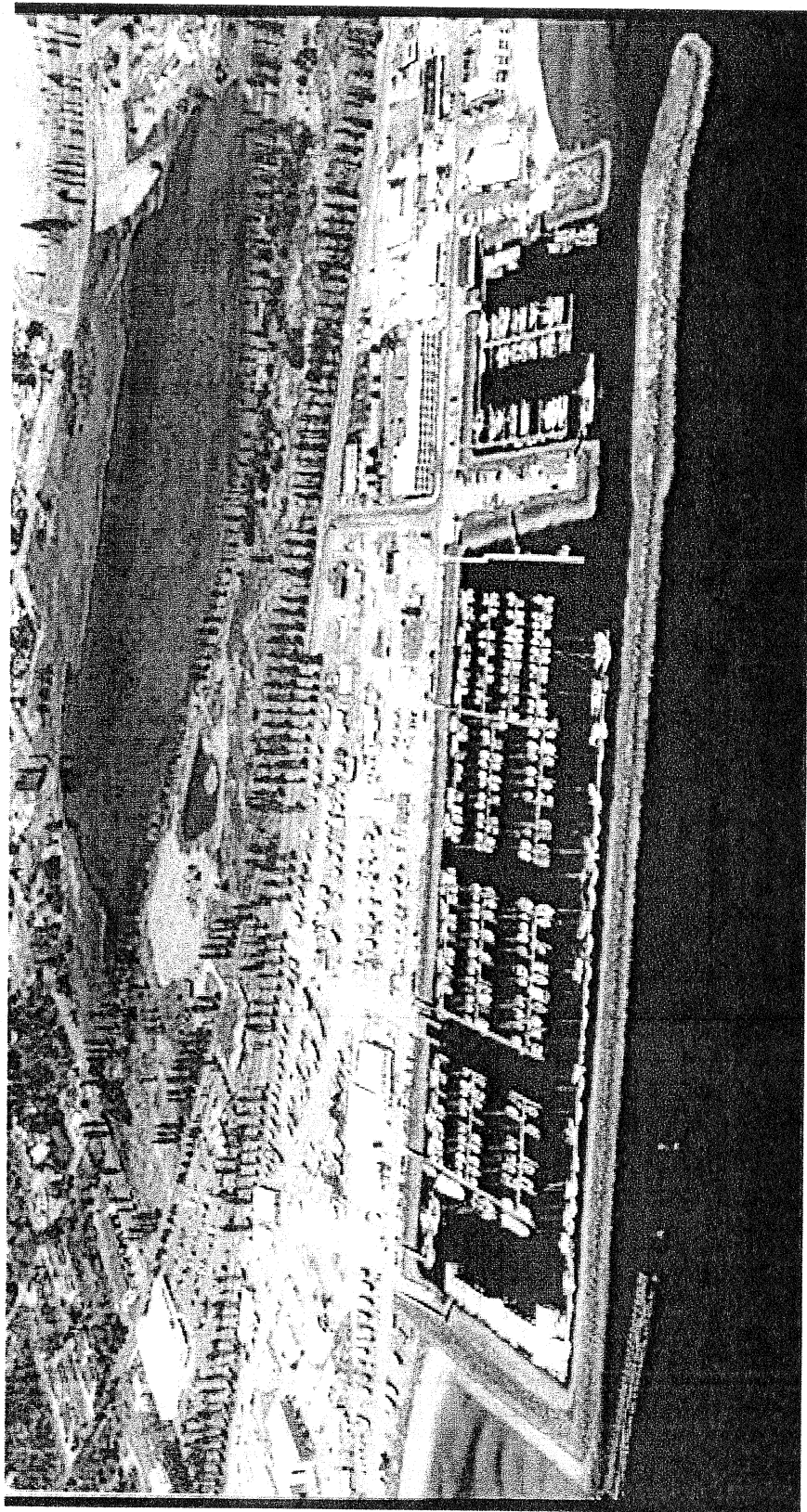
Project: Port Townsend U.S. Coast Guard Station

Location: Port of Port Townsend, Jefferson County, Washington

Corps Reference #: *NWS-2009-223-50*

Date of Preparation: January 30, 2009

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Aerial photograph of Boat Haven Marina with navigation channel and U.S. Coast Guard station at Port of Port Townsend

Applicant: U.S. Coast Guard, Civil Engineering Unit

Project: Port Townsend U.S. Coast Guard Station

Location: Port of Port Townsend, Jefferson County, Washington

Corps Reference #: *NWS-2009-223-50*

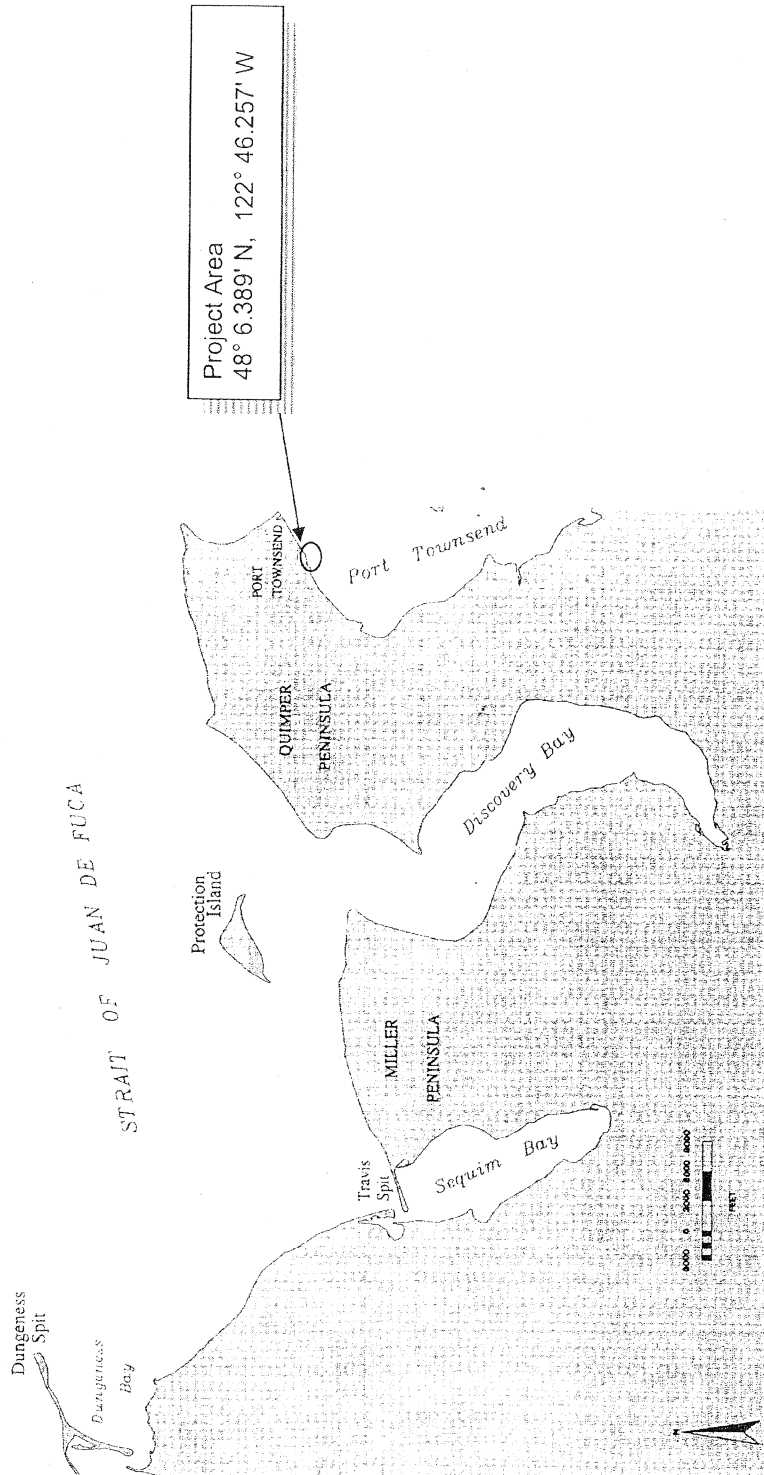
Date of Preparation: January 30, 2009

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Port Townsend Disposal Site

TYPE: Dispersive
 AREA: 884 Acres DEPTH: 361 ft.
 SITE DIMENSIONS: 7000 ft. by 7000 ft. circular
 DISPOSAL ZONE: 3000 ft. Diameter
 TARGET AREA: none
 BARGE POSITIONING METHOD: VTS
 NAD27 LOCATION: Lat 48° 13.62' Long 122° 58.95'
 NAD83 LOCATION: Lat 48° 13.61' Long 122° 59.03'

Disposal Zone



Project area and disposal area

Applicant: U.S. Coast Guard, Civil Engineering Unit
 Project: Port Townsend U.S. Coast Guard Station
 Location: Port of Port Townsend, Jefferson County, Washington
 Corps Reference #: NWJ-2609-223-50
 Date of Preparation: January 30, 2009

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